IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2654 OF 2006

Sagar Regency Co-op.Hsg. Soc. Ltd. and another ...

Petitioners

Versus

The Municipal Corporation of Greater Mumbai & Ors. ...Respondents

Mr. Kunal Chaudhari, with Mr. A.D. Shetty and Ms. Rita Joshi for the petitioners.
Mrs. P.A. Purandare for respondent Nos. 1 to 4.
Mr. D.D. Madan with Mr. Z.A. Jariwala, instructed by M/s. Thakore Jariwala & Associates for respondent No.5 and 6.

CORAM: **SWATANTER KUMAR, C.J.** &
S.C. DHARMADHIKARI, J.

DATE: **APRIL 23, 2007**.

P.C.

During the course of hearing, the counsel appearing for the parties stated that the petition could be disposed of on the following agreed terms viz.

(i) Respondent No. 5 shall not carry out construction within 15 feet of the petitioners' building viz. Sagar Regency and would accordingly amend the plans and submit the same for approval to respondent No.1 which in fact have already been submitted.

(ii) Respondent No.5 shall within eight weeks from today demolish the construction carried out adjacent to the dead wall of the said building. It is also agreed that the said respondent shall reconstruct the boundary wall of the building. It is also agreed that respondent No.5 shall repair the storm water drain.

2. This order is without prejudice to the rights and contentions of the parties in the pending proceeding being Complaint No.55 of 2005 before the Consumer Disputes Redressal Forum, Mumbai. The writ petition is disposed of in the above consented terms which are otherwise just and equitable.

CHIEF JUSTICE

S.C. DHARMADHIKARI, J.